UNITED NATIONS

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ENGLISH ONLY*

# LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.*

**MALAYSIA**

**Communicated by the Government of Malaysia**

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

**Act A738**

**DANGEROUS DRUGS**
**(SPECIAL PREVENTIVE MEASURES)**

**ACT 1989**

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* Note by the Secretariat: The present document is a direct reproduction of the texts communicated to the Secretariat.

# LAWS OF MALAYSIA

## Act A738

## DANGEROUS DRUGS (SPECIAL PREVENTIVE MEASURES) (AMENDMENT) ACT 1989

An Act to amend the Dangerous Drugs (Special Preventive Measures) Act 1985, and to provide for matters connected therewith.

[ 24th August 1989 ]

WHEREAS action prejudicial to public order in Malaysia has been taken and further similar action is being threatened by a substantial body of persons both inside and outside Malaysia;

AND WHEREAS Parliament considers it necessary to stop such action;

NOW, THEREFORE, pursuant to Article 149 of the Constitution BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

Short title and commencement.

1. This Act may be cited as the Dangerous Drugs (Special Preventive Measures) (Amendment) Act 1989 and shall come into force on the date of its publication in the *Gazette*.

New sections 11C, 11D and 11E. *Act 316.*

2. The Dangerous Drugs (Special Preventive Measures) Act 1985 is amended by inserting immediately after section 11B, the following new sections 11C, 11D and 11E:

"Judicial review of act or decision of Yang di-Pertuan Agong and Minister.

11C. (1) There shall be no judicial review in any court of, and no court shall have or exercise any jurisdiction in respect of, any act done or decision made by the Yang di-Pertuan Agong or the Minister in the exercise of their discretionary power in accordance with this

Act, save in regard to any question on compliance with any procedural requirement in this Act governing such act or decision.

(2) The exception in regard to any question on compliance with any procedural requirement in subsection (1) shall not apply where the grounds are as described in section 6A.

Interpretation of "judicial review"

11D. In this Act, "judicial review" includes proceedings instituted by way of—

*(a)* an application for any of the prerogative orders of *mandamus*, prohibition and *certiorari*;

*(b)* an application for a declaration or an injunction;

*(c)* a writ of *habeas corpus*; and

*(d)* any other suit, action or other legal proceedings relating to or arising out of any act done or decision made by the Yang di-Pertuan Agong or the Minister in accordance with this Act.

Commencement of sections 11C and 11D.

11E. (1) Sections 11C and 11D shall apply to any proceedings instituted by way of judicial review of any act done or decision made by the Yang di-Pertuan Agong or the Minister under this Act, whether such proceedings were instituted before or after the coming into force of the Dangerous Drugs (Special Preventive Measures) (Amendment) Act 1989.

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(2) A reference to proceedings in subsection (1) shall not include a reference to proceedings which had concluded and in respect of which final decision of the court had been given before the coming into force of the Dangerous Drugs (Special Preventive Measures) (Amendment) Act 1989, or to any appeal or any application for appeal against such final decision.".